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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,531	07/24/2002	Donald F. Ballas	BUR920010165	8345

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ANNAPOLIS, MD 21401

EXAMINER

MASINICK, MICHAEL D

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/064,531

Applicant(s)

BALLAS ET AL.

Examiner

Michael D Masinick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Claims 1-20 are pending in this application. All arguments are rendered moot in view of the new grounds of rejection.

Amendments have alleviated all previous 112 rejections and they have been removed.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6, 8-10, 13, and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,864,875 to Van Huben et al in view of U.S. Patent No. 4,827,423 to Beasley et al.

3. Referring to claims 1, 6, 8, 13, and 15, Van Huben shows a system for reserving manufacturing capacity to satisfy a customer deliverable order for a product, said system comprising: a relational database tool adapted to receive said customer deliverable orders (Col. 13, lines 5-9); and a product manager tool operatively connected to said relational database tool, said product manager tool being adapted to obtain a block of part numbers from unallocated part numbers and to supply said block of part numbers to said relation database (Section 1.15 starting in Column 27), wherein said relational database tool is further adapted to automatically prepare a bill of materials to satisfy said customer deliverable order using part numbers from said block of

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part numbers (Col 29, lines 20-44). Examiner notes that these citations are only examples. The entire Van Huben patent reveals similar functionality in different ways.

4. Van Huben does not show the newly added limitation “so as to allocate manufacturing capacity for said customer deliverable order”.

5. Beasley shows a computer integrated manufacturing system which performs planning and control of a floor shop manufacturing system. Beasley shows “allocating manufacturing capacity for said customer deliverable order” in figure 3 and the discussion thereof (Col. 10, lines 26-39).

6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the allocation of manufacturing capacity method as shown in Beasley to allocation manufacturing capacity in Van Huben because the scheduling system is “...designed to manage the manufacturing capacities, machines, people, and material to meet the marketing and inventory objectives as stated in the business and strategic plans of the company.” (Beasley - Col 1, lines 30-35).

7. Referring to claims 6 and 13, Van Huben shows wherein said bill of materials includes at least tools needed to manufacture said part (“Bill of resources” – Column 5).

8. Regarding claims 2, 3, 9, 10, 16, and 17, Van Huben does not show where the tool changes manufacturing capacity, or a customer engagement tool operatively connected to said relational database tool, said customer engagement tool being adapted to forecast a cost of, and a deliver for said product based on said bill-of-materials and said manufacturing capacity.

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9. Beasley shows show where the tool changes manufacturing capacity in response to the part numbers received (Col 10, line 5 – Col 11, line 32), or a customer engagement tool operatively connected to said relational database tool , said customer engagement tool being adapted to forecast a cost of, and a deliver for said product based on said bill-of-materials and said manufacturing capacity (Col 27, line 38 – Col 28, line 20).

10. It would have been obvious to one of ordinary skill in the art to modify the manufacturing capacity and provide the predictions as to the product fulfillment as shown Beasley in the Product production system of Van Huben because customers need to know ship dates and be kept aware of any delays. The system of Beasley also shows a “just in time” system where materials are delivered as needed in order to keep excess inventory away from the production lines. The availability of these materials would also lead to the adjustments shown in Beasley for the manufacturing capacity.

11. Claims 7, 14, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,864,875 to Van Huben in view of Beasley as shown above and further in view of U.S. Patent No. 5,359,508 to Rossides.

12. Van Huben does not show and automatic deletion tool for expired part numbers.

13. The “cleanup” of databases for obsolete data is well known in the art. The Rossides patent shows a data collection system with a “deleting data function” in order to delete database information that is no longer needed (Col 12, lines 12-19).

14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the data deleting function of Rossides to delete the excess/obsolete part

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numbers of Van Huben because it reduces the database size, resulting in a speed increase and increased usability.

15. Claims 4, 5, 11, 12, and 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,864,875 to Van Huben et al in view of Beasley as shown above and further in view of U.S. Patent No. 4,847,761 to Ferriter et al.

16. Van Huben in view of Beasley as shown above does not show where the bill of materials is modified and adapted as designing of said product progresses and that the manufacturing of sub-components can begin before said design is completed.

17. Ferriter shows an automated bill of materials that is made based upon the design as retrieved directly from a user. It clearly states in Column 6, lines 49-55 that this system can be used early in the design stage. This would infer that the design is not complete, yet individual components and sub-components can be designed individually for production. Beasley shows above clearly shows manufacturing tools available for this process.

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the automated bill of materials updating and design features of ferriter in the product creation and data management system of Van Huben in view of Beasley because it would "help to identify those components or sub-components of the product which require more specification as to source or structure".

### ***Conclusion***

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19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D Masinick whose telephone number is (703) 305-7738. The examiner can normally be reached on Mon-Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

mdm



**LEO PICARD**  
**SUPERVISORY PATENT EXAMINER**  
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